

AMENDMENTS TO THE DRAWINGS

The attached sheets each bearing the heading “Replacement sheet” include changes to Figs. 1a, 2, 3a, 3b, and 3c. These sheets, which include Figs. 1a, 2, 3a, 3b, and 3c, replaces the original sheet including Figs. 1a, 2, 3a, 3b, and 3c filed with this application. A description of the amendments to the drawings is provided in the Remarks section below.

Attachment: Replacement Sheets with Figs. 1a, 2, 3a, 3b and 3c.

*REMARKS**The Pending Claims*

Currently pending are amended independent claim 1 and previously presented dependent claims 2-10. All claims are directed to the construction of a motor vehicle door. Reconsideration of the pending claims is respectfully requested in view of the comments and arguments presented herein.

Summary of the Office Action

The Office Action objected to various formalities with the drawings and specification. Particularly, the Office Action noted that reference character “4” is used to designate two different features, that the window-lifting rail is un-numbered in FIG. 1, and that the inner cavity is un-numbered in FIG. 2. The Office Action also objected to the specification for failing to include appropriate section headings and requested that such headings be added to the specification.

With respect to the claims, the Office Action rejects claims 1, 2, and 5-10 as allegedly obvious under 35 U.S.C. § 103(a) over US Patent Publication 2004/0211122 (Freymuth). Claims 3 and 4 are also rejected as allegedly obvious over Freymuth in view of US Patent publication 2004/0049988 (Reul).

Discussion of the Amendments to the Drawings and the Specification

Attached to this Reply are new Figs. 1a, 2, 3a, 3b, and 3c on sheets bearing the heading “Replacement sheets.” These replacement sheets should replace the original sheets having the same figures. In the replacement sheets, Applicants have amended Fig. 1a to call out the window-lifting rail with reference number 3’. Fig. 2 is amended so that the feature of the inner cavity of the motor vehicle door is called out by reference number 40 and indicated by the accompanying arrow. Figs. 3a and 3b are amended to more clearly designate the interior 4 of the motor vehicle door, which is substantially depicted by the cross-sectional drawings of the door. Applicants request that an indication of favorable acceptance of the drawings be provided in the next communication.

Turning to the specification, by way of this Reply, Applicants are adding section headings as requested in the Office Action. Applicants have also amended the specification at page 5, second full paragraph, to reflect that the inner cavity is called out by reference number 40 and is therefore distinguished from the interior 4 of the vehicle door that is illustrated in Figs. 3a and 3b. It is believed that the amendments to the drawings and the specification address the objections raised in the Office Action and therefore Applicants respectfully request that the objections be withdrawn.

Discussion of the Amendments to the Claims

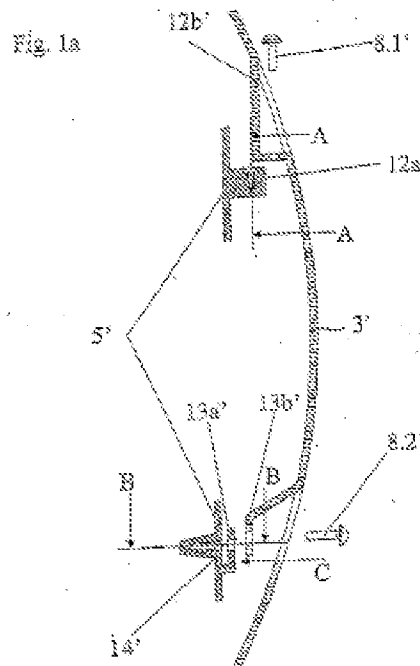
Applicants have amended claim 1 to point out more clearly and claim more distinctly the subject matter of the invention. Claim 1 as amended clarifies that the module support includes a receiver with a “bore running in the vehicle vertical axis.” A screwing that engages the receiver is received “through the bore.” This arrangement of the receiver is used to fix the window-lifting rail to the module support. The arrangement is depicted in Fig. 1a, which shows a receiver 12a’ having a vertical bore and a vertically oriented screw 8.1’ that can pass through a step support 12b’ of the window-lifting rail 3’ to be received in the vertical bore. An arrangement per the claim is further described as set forth at, for example, paragraph 26 of the published application. The amendment is therefore believed to be supported by the original application and adds no new subject matter.

Discussion of the Claim Rejections

Applicants respectfully submit that independent claim 1, as amended, is patentable over the cited references to Freymuth and Reul. It is well established that in rejecting a claim as obvious one must consider all the limitations of that claim. See, e.g., M.P.E.P. § 2143.03. Because the disclosure of Freymuth is different from the device of claim 1 and does not disclose a receiver “with a vertical bore running in the vehicle vertical axis” and a screwing received “through the bore,” Freymuth cannot render claim 1 un-patentable.

Applicants’ disclosure relates to the construction of a motor vehicle door assembly having a moving window pane and a module support oriented toward the inside of the vehicle, i.e., the side of the vehicle door exposed to the vehicle cabin when the door is installed on a

vehicle. Amended Fig. 1a of the application depicting a cross-sectional view through the door is reproduced below.



For securely fixing a window-support rail 3' (which guides the movable window) to the module support 5', the module support can include an upper first receiver 12a' and a lower second receiver 13'a. The upper first receiver 12a' in particular is designed to accommodate the vertical weight of the window-lifting rail 3'. To accomplish this, the upper receiver 12a' includes a bore disposed therein that is aligned with and runs in the vertical axis of the vehicle. A screwing 8.1' can also be included that is oriented running in the direction of the vehicle vertical axis and can be received through the bore. Hence, as reflected in claim 1, both the bore in receiver 12a' and the screwing 8.1' must be aligned with the vehicle vertical axis.

The disclosure of Freymuth is different in both structure and operation. The Office Action alleges that the fixing means 400b in Freymuth correlates to the at least one receiver in claim 1. However, it is clear from Fig. 1a that the lower fixing area 400b of the guide rail is arranged in the horizontal or transverse orientation with respect to the vehicle door and not with respect to the vertical vehicle axis. Hence, the lower fixing area does not disclose or suggest a receiver with a bore running in the vehicle vertical axis and/or a screwing running in the vehicle vertical axis through the bore.

In addition, the upper fixing means of Freymuth does not disclose or suggest this feature. Figures 2a-b and 3a-b of Freymuth, which presumably shows the device in its normal orientation, are reproduced below.

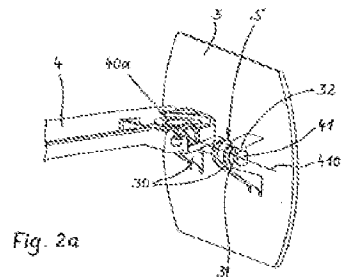


Fig. 2a

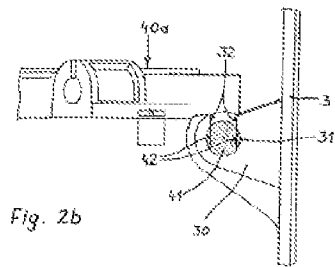


Fig. 2b

Flipped Up

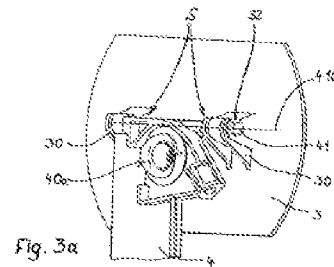


Fig. 3a

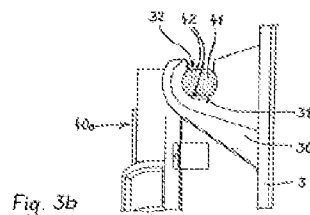


Fig. 3b

Folded Down

In Freymuth, the upper fixing region of the guide rail 4 that serves to fit the guide rail on the module carrier 3 is formed as a pivotal bearing. The guide rail 4 includes bearing bolt 41 that is oriented transversely or horizontally with respect to the door and that is supported by parallel bearing blocks 30 on the module carrier 3. The bearing bolt 41 and guide rail 4 can pivot or rotate with respect to the module carrier 3 from a flipped upwards position shown in Figs. 2a and 2b to the folded down position shown in Figs. 3a and 3b. However, it is clear from the figures that the bearing bolt 41 and the pivot axis 410 running there along, and the openings 32 in the bearing blocks 30, are oriented horizontally and not along the vertical vehicle axis. Hence, neither of the upper or lower fixing means disclosed in Freymuth operate to accommodate vertical weight forces of the window lifting rail with a bore running in the vehicle vertical axis and a screwing running through the bore as per claim 1.

The claimed features of a receiver with a vertical bore and a vertical screwing are also not found in Reul. The claim feature about fixing a window-lifting guide rail to a module support via a receiver with a bore running in the vehicle vertical direction with a screwing running in the

same direction is patentable over the prior art of record. Further, because claim 1 is not rendered obvious by the prior art, dependent claims 2-10 are likewise allowable. See, e.g., *In re Fine*, 5 U.S.P.Q. 1596 (Fed. Cir. 1988) (If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious.)

Conclusions

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

/J. Karl Gross/
J. Karl Gross, Reg. No. 57,108
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6731
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

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APPENDIX